

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow. Claims 1, 32, 37, and 43 have been amended. No new matter has been added by way of these amendments. Support for the amendments can be found at least in paragraphs [0057] and [0058] of the published specification. Claims 1, 2, 4, 6-10, and 31-46 remain pending in this application.

Applicants thank the Examiner for withdrawing the previous rejections.

I. Rejection of Claims 1, 2, 4, 6-10, 32-39, 41, 43, and 45 under 35 U.S.C. § 103(a)

Claims 1, 2, 4, 6-10, 32-39, 41, 43, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0065564 to Sheriff et al. (hereinafter “Sheriff”) in view of U.S. Patent No. 7,245,649 to Haartsen (hereinafter “Haartsen”). Independent Claims 1, 32, 37, and 43 have been amended, rendering the rejection moot. Applicants respectfully submit that Sheriff and Haartsen, alone or in combination, fail to disclose, teach, or suggest at least one element recited in each of amended independent Claims 1, 32, 37, and 43.

Amended independent Claim 1 recites, in part, that “the server computer is programmed to: receive, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated” and “cause the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time” (emphasis added). Amended independent Claim 32 recites, in part, that “the wireless receiver subsystem is configured to ... respond to the signal received by the wireless receiver ... to perform content synchronization with a server computer ... , wherein the synchronization of the content is performed at a predetermined time specified by a user” (emphasis added). Although different in scope, independent Claims 37 and 43 recite similar elements. Applicants respectfully submit that Sheriff and Haartsen, alone or in combination, fail to disclose, teach, or suggest such elements.

Sheriff is directed to a “digital content management system providing content synchronization and content continuation over multiple presentation devices” (Abstract). Paragraph [0058] of Sheriff states, in part:

In addition, a skilled artisan will recognize from the disclosure herein that the foregoing synchronization may advantageously be automated. For example, when one device comes into proximity to another device, such as, for example, when the mobile DCMD 100 comes within transmission range of one of the primary or secondary DCMDs, the exchange of data may be automatic. Moreover, according to one embodiment, each device may individually, severally, or as a group, be programmed to automatically synchronize all or some of their content, or all or some of certain types of data, such as, for example, email and music.

As such, Sheriff discloses that the content synchronization may be “automated.” As an example of such automation, Sheriff discloses initiating such synchronization when the “mobile DCMD 100 comes within transmission range of one of the primary or secondary DCMDs.” However, Sheriff fails to provide any indication that such content synchronization is performed at a “predetermined future time specified by a user” or that the “automation” involves a “predetermined future time specified by a user.” Haartsen fails to cure these deficiencies of Sheriff.

Haartsen is directed to “establishing a connection between a scanner device and a pager device over a sequence of hop channels” (Abstract). On page 6 of the Office Action, the Examiner relied on Haartsen for its alleged disclosure of “continuously and automatically cycl[ing] between a first power mode and a second power mode at least until the signal is received by the wireless receiver” (among other elements). However, Haartsen fails to disclose, teach, or suggest content synchronization performed at a “predetermined future time specified by a user” as claimed.

Accordingly, Applicants respectfully submit that Sheriff and Haartsen, alone or in combination, fail to disclose, teach, or suggest that “the server computer is programmed to:

receive, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated” and “cause the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time,” as recited in Claim 1, and that “the wireless receiver subsystem is configured to ... respond to the signal received by the wireless receiver ... to perform content synchronization with a server computer ... wherein the synchronization of the content is performed at a predetermined time specified by a user,” as recited in Claims 32, 37, and 43 (emphasis added).

For at least the foregoing reasons, Applicants respectfully request submit that the combination of Sheriff and Haartsen fails to disclose, teach, or suggest at least one element recited in each of independent Claims 1, 32, 37, and 43 (and their associated dependent claims). Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 1, 2, 4, 6-10, 32-39, 41, 43, and 45 under 35 U.S.C. § 103(a).

II. Rejection of Claim 31 under 35 U.S.C. § 103(a)

Claim 31 was rejected under 35 U.S.C. § 103(a) over Sheriff and Haartsen in view of U.S. Patent Application Publication No. 2004/0029621 to Karaoguz et al. (hereinafter “Karaoguz”). Applicants respectfully submit that the rejection is moot in view of the amendments to independent Claim 1.

Claim 31 depends from independent Claim 1. As discussed above, the combination of Sheriff and Haartsen fails to disclose, teach, or suggest at least one element recited in Claim 1. Likewise, Karaoguz also fails to disclose, teach, or suggest that “the server computer is programmed to: receive, from a user interface, a predetermined future time selected by a user at which an automatic process of content synchronization is to be initiated” and “cause the wireless transmitter to transmit a signal to initiate the automatic process of content synchronization with the portable device at the predetermined future time,” as recited in Claim 1. Accordingly, the

combination of Sheriff, Haartsen, and Karaoguz also fails to disclose, teach, or suggest at least one element recited in Claim 1 and Claim 31, which depends from Claim 1.

Applicants therefore respectfully request withdrawal of the rejection of Claim 31 under 35 U.S.C. § 103(a).

III. Rejection of Claims 40 and 44 under 35 U.S.C. § 103(a)

Claims 40 and 44 were rejected under 35 U.S.C. § 103(a) over Sheriff and Haartsen in view of U.S. Patent No. 5,812,942 to Allen et al. (hereinafter “Allen”). Applicants respectfully submit that the rejection is moot in view of the amendments to independent Claims 37 and 43.

Claims 40 and 44 depend from independent Claims 37 and 43, respectively. Like Sheriff and Haartsen, Allen also fails to disclose, teach, or suggest that “the wireless receiver subsystem is configured to ... respond to the signal received by the wireless receiver ... to perform content synchronization with a server computer ... wherein the synchronization of the content is performed at a predetermined time specified by a user,” as recited in Claims 37 and 43. Thus, the combination of Sheriff, Haartsen, and Allen also fails to disclose, teach, or suggest at least one element recited in each of Claims 40 and 44.

Applicants therefore respectfully request withdrawal of the rejection of Claims 40 and 44 under 35 U.S.C. § 103(a).

IV. Rejection of Claims 40 and 44 under 35 U.S.C. § 103(a)

Claims 42 and 46 were rejected under 35 U.S.C. § 103(a) over Sheriff and Haartsen in view of U.S. Patent Application Publication No. 2002/0066018 to Linnartz (hereinafter “Linnartz”). Applicants respectfully submit that the rejection is moot in view of the amendments to independent Claims 37 and 43.

Claims 42 and 46 depend from independent Claims 37 and 43, respectively. Like Sheriff and Haartsen, Linnartz also fails to disclose, teach, or suggest that “the wireless receiver

subsystem is configured to ... respond to the signal received by the wireless receiver ... to perform content synchronization with a server computer ... wherein the synchronization of the content is performed at a predetermined time specified by a user," as recited in Claims 37 and 43. Thus, the combination of Sheriff, Haartsen, and Linnartz also fails to disclose, teach, or suggest at least one element recited in each of Claims 42 and 46.

Applicants therefore respectfully request withdrawal of the rejection of Claims 42 and 46 under 35 U.S.C. § 103(a).

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

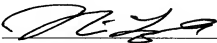
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extension fee to Deposit Account No. 19-0741.

Respectfully submitted,

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By _____

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